

Remarks/Arguments

A. Claims in the Case

Claims 1-4, 6-9, 11-25, 27-39, 41-51, 53-56, and 58-61 are pending. Claims 5, 62, and 63 have been cancelled without prejudice. Claims 1, 17, and 31, and 47 have been amended.

B. The Claims Are Not Obvious Over Huffman in View of Kuwamoto and further in view of Abbruzzese Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-4, 9, 16-20, 25, 30-34, 39, 46-49, 56-58, and 60-61 as being obvious over U.S. Patent No. 5,870,711 to Huffman (“Huffman”) in view of U.S. Patent Application No. 5,483,632 to Kuwamoto et al. (“Kuwamoto”) and further in view of U.S. Patent No. 5,557,515 to Abbruzzese et al. (“Abbruzzese”) under 35 U.S.C. § 103(a). Applicant respectfully disagrees with these rejections.

In order to reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner* et al., 379 F.2d 1011, 154 U.S.P.Q. 173, 177-178 (C.C.P.A. 1967). To establish a *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP § 2143.03.

Claim 1 has been amended to include certain features of claims 5, 62, and 63 and for clarity. Amended claim 1 describes a combination of features including: “customizing the message text of at least one of the entries for a particular insurance company during an installation of an insurance claims processing program on a computer system, wherein said customizing the message text comprises modifying the message text of the at least one entry during the installation”. The cited art does not appear to teach or suggest at least this feature of claim 1, in combination with the other features of the claims.

Regarding claim 62, the Office Action states:

Huffman, Kuwamoto Abbruzzese and Ertel teach a method as analyzed and discussed in claim 5 above wherein said customizing the message text of at least one of the entries in the database for a particular organization comprises modifying the message text of at least one of the entries in the database during installation of the insurance claim processing program on a computer system.

The Office Action points to Kuwamoto, Figures 4, 10, and 14, item 1431, column 2, lines 60 to column 3, line 64, column 5, lines 43-47, column 10, lines 25-67, and U.S. Patent No. 5,307,262 to Ertel (hereinafter “Ertel”), column 11, lines 40-44, column 12, lines 31-37, 47-54, and column 13, lines 37-45. Applicant respectfully disagrees with Office Action’s position. Kuwamoto states:

Depending on its executing status, the AP 1402 issues a help message change request, in step 1431, to the OS 1401. In response, the OS 1401 searches, in step 1415, for the window management block 1300 having the same program identifier as that of the AP that made the request. During the search, the OS 1401 goes through the list beginning at the active pointer 1301. When the block is found, the OS 1401 sets to the message identifier 1306 the number specified by the AP 1402, in step 1416.

(Kuwamoto, column 10, lines 45-53)

Kuwamoto discloses an application program (AP) issuing a “help message change request” after activation of a help program. In response to the help message change request, the operating system searches for a “window management block” having the same program identifier as the requesting application program, then sets a message identifier to a number specified in that application program. Kuwamoto does not appear to teach or suggest modifying the message text of an entry in a database. Furthermore, Kuwamoto does not appear to teach or suggest modifying a database entry for a particular insurance company, during installation of an insurance claims processing program.

The Office Action further points to the phrase in section of Kuwamoto that states:

According to the present invention, there are also provided a help data management table and a help message searching table. The help data management table contains a program identifier that identifies each application program and a storing position where the help data for each application program is stored. The program identifier and the storing position are related to each other when stored. The help message searching table contains a message identifier for each help

message of application programs, along with a storing position where each help message of help data is stored. The message identifier and the storing position are also related to each other when stored. In searching for help message data, the two tables are used to find out where the desired help message data is located in memory. On completion of the search, the data is displayed on the display unit. The two tables have the same functions as those of the above-described help-information searching table.

When application programs are incorporated into an information processing system, the storing position of the help data for each application program is stored in the help data management table.

Applicant respectfully submits that Kuwamoto appears to teach that a position of a preexisting help table for each application program stored, is kept in a help data management table. Kuwamoto does not appear to teach or suggest modifying the message text of an entry in a database. Furthermore, Kuwamoto does not appear to teach or suggest modifying a database entry for a particular insurance company, during installation of an insurance claims processing program.

Ertel states:

General Message Construction: The typical data quality message will describe the nature of the problems in data quality detected and offer suggestions for their resolution. Typically also, a header statement identifies what clinical term or other data element triggered the message....

Short, brief and full-text messages are available for each edit check. The content length of messages displayed or printed is dependent upon the appropriateness of detail to the recipient review personnel. Usually, coders prefer to receive the short messages in screen displays. Some physicians prefer brief messages and others prefer to receive full-text messages printed on worksheets.

(Ertel, column 12, lines 31-54)

Ertel discloses a system for performing data quality checks on hospital claims data (Ertel, Abstract). The system disclosed in Ertel produces data quality messages of short, brief, and full-text messages, the length of the message being dependent on which personnel will review it (e.g., a short message for a coder, a brief or full-text message for a physician). Ertel does not appear to teach or suggest modifying the message text of an entry in a database. Furthermore, Ertel does not appear to teach or suggest modifying a database entry for a particular insurance

company, during installation of an insurance claims processing program.

The Office Action states: "one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references." Applicant respectfully points out, however, that to establish a *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP § 2143.03. Applicant is respectfully asserting that none of the references cited in the Office Action teach or suggest certain features recited in claim 1. Applicant has singled out specific references cited in the Office Action simply to show that the references relied upon in the Office Action for particular features do not teach or suggest those features.

Furthermore, the Office Action has not stated a *prima facie* case of obviousness for why Huffman, Kuwamoto, Abbruzzese, and Ertel are combinable. As stated in the MPEP §2142:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (emphasis added)

Applicant respectfully reminds the Examiner, as stated in MPEP §2141: "The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention (emphasis added)." The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990), MPEP § 2143.01.

Regarding claim 5, the previous Office Action (mailed 5/27/2004) states:

It would have been obvious to one of ordinary skill in the art at the time the inventions was made to modify the method and system of Huffman, Kuwamoto, and Abbruzzese to include customizing the message text of one or more entries in the database for a particular insurance organization during an installation of the insurance claims processing program on a computer system, as taught by Ertel, with the motivation of managing the process of improving the quality and accuracy of reportable insurance claims data, allowing the analysis of claims data for the purpose of identifying and correcting both case-specific and systematic problems in data quality in the most efficient way possible, making it possible to prioritize individual cases for in-depth review base on user-defined criteria of importance, automatically routing relevant data quality messes to the appropriate recipient personnel, and providing a method and system to improve the accuracy, completeness, and overall quality of claims data (Ertel, column 5, lines 20-53).

The Office Action apparently relies on these same teachings of Ertel as a motivation to modify Huffman, Kuwamoto, and Abbruzzese to include the features of claim 62. Applicant disagrees that the above-cited teachings from Ertel teach or suggest customizing the message text of entries in a database for a particular insurance organization. Instead, these teachings appear to relate to data quality control and validation. Applicant submits there is no teaching or suggestion to combine Huffman, Kuwamoto, Abbruzzese, and Ertel either in the references or in the prior art to produce the combination of features of amended claim 1, including but not limited to modifying the message text of the at least one entry during the installation of an insurance claims processing program. Applicant respectfully submits that the Examiner appears to be combining Huffman, Kuwamoto, Abbruzzese, and Ertel in a piecemeal fashion in light of the Applicant's specification.

For at least the above reasons, Applicant asserts claim 1 and the claims depending thereon are allowable over the cited art. Applicant respectfully requests removal of the §103 rejections of these claims.

Amended claim 17 describes a combination of features including: "customize the message text of at least one entry in the database during an installation of the insurance claims processing program on a computer system, wherein said customizing the message text comprises modifying the message text of the at least one entry during the installation". Amended claim 31 describes a combination of features including: "customizing the message text of at least one of

the entry in a database for a particular insurance company during an installation of an insurance claims processing program on a computer system; wherein each entry in the database comprises a message code and a corresponding message text; wherein said customizing the message text comprises modifying the message text of the at least one entry during the installation". Amended claim 31 describes a combination of features including: "customizing the message text of at least one of the entry in a database for a particular insurance company during the installation of the insurance claims processing program on the at least one computer system; wherein said customizing the message text comprises modifying the message text of the at least one entry during the installation". For similar reasons to those stated above with respect to claim 1, Applicant respectfully submits that claims 17, 31, and 47 and the claims depending thereon are allowable over the cited art. Applicant respectfully requests removal of the §103 rejections of these claims.

C. Additional Comments

Applicant submits that all of the claims are in condition for allowance. Favorable reconsideration is respectfully requested.

It is believed that no fees are required in connection with the filing of this document. If any additional extension of time is required, Applicant hereby requests the appropriate extension of time. If any additional fees are required, please charge those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5053-36200/EBM.

Respectfully submitted,

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Date: May 9, 2005